

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRIMITIVO CORIA-CEDENO,

Petitioner,

v.

A. NEIL CLARK,

Respondent.

CASE NO. C07-1274-RAJ-MJB

REPORT AND RECOMMENDATION

On September 7, 2007, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”). (Dkt. #4). Respondent has filed a Return Memorandum and Motion to Dismiss, indicating that petitioner was released from ICE custody and returned to Mexico. (Dkt. #10). Respondent asserts that because petitioner is no longer detained by ICE, petitioner’s habeas petition should be dismissed as moot. *Id.*

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court

1 properly dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I
2 recommend that respondent's motion to dismiss be granted, and that this action be dismissed.
3 A proposed Order accompanies this Report and Recommendation.

4 DATED this 15th day of January, 2008.

5
6 

7 MONICA J. BENTON
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26